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**OCT 19 2004**

**TECHNOLOGY CENTER 3600**

McCONNELL VALDES  
P.O. BOX 364225  
SAN JUAN, PR 00936-4225

In re application of  
Maria Gaos

Application No. 09/964,224

Filed: September 25, 2001

For: METHOD AND APPARATUS FOR  
DELIVERING A VIRTUAL REALITY  
ENVIRONMENT

: DECISION ON REQUEST  
: FOR WITHDRAWAL OF  
: ATTORNEY

This is a decision on the request filed on August 30, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

09/964,224

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions A) and B) above.

As to condition A) the request to withdraw as attorney is not accepted in the above-identified application because the attorney making the request; Edwin R. Cruz does not now have, and apparently never had, power of attorney in this application. The application was assigned to the Mission Corp. on September 25, 2000. Therefore, the Power of Attorney submitted on October 29, 2002 was not effective.

As to condition B) while a reason may be provided by referencing a **specific** portion of 37 CFR 10.40, simply reciting "No longer representing Client, is insufficient. A more specific reason or referencing a specific portion of 37 CFR 10.40(c), is required for approval



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KJD/slb: 10/15/04